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June 23, 2020

By ECF

Honorable Stewart D. Aaron
United States Magistrate Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Application GRANTED. SO ORDERED.

Dated: June 23, 2020

Att cl an

Re: Bento v. New York City Dep't of Citywide Admin. Servs.
19 Civ. 5003 (LTS) (SDA)

Dear Judge Aaron:

I am an Assistant Corporation Counsel in the office of James E. Johnson, Corporation Counsel for the City of New York, attorney for defendant New York City Department of Citywide Administrative Services (“DCAS”) in the above-referenced action. The parties write to jointly and respectfully request that the Initial Pretrial Conference presently scheduled for June 26, 2020 be adjourned sine die until after such time as plaintiff’s pending motion to amend the Complaint (Dkt. Nos. 31-35) is heard and decided by the Court. This is the parties’ fourth request for an adjournment of the conference. The adjournment does not affect any other scheduled dates.

On May 22, 2020, as permitted by the Court’s order granting defendant’s motion to dismiss the Complaint (Dkt. No. 24), plaintiff filed a motion seeking leave to amend the Complaint (Dkt. Nos. 31-34). On June 5, 2020, defendant filed a memorandum of law in opposition to plaintiff’s motion (Dkt. No. 35). That motion is currently pending before the Court.

The parties request that the June 26, 2020 initial conference be adjourned because the Court has not yet issued a decision regarding plaintiff’s motion to amend the Complaint. Should the Court deny plaintiff’s motion to amend, the initial conference and discovery will be rendered unnecessary.

Moreover, defendants anticipate that, should plaintiff’s motion to amend be granted, defendants will seek to file a motion to dismiss the Amended Complaint. In that case, the parties agree that judicial economy and efficiency would best be served by adjourning the initial conference and staying discovery until such time as defendants’ motion to dismiss is heard and decided by the Court.

HONORABLE STEWART D. AARON

United States Magistrate Judge

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For these reasons, the parties jointly and respectfully request that the initial conference currently scheduled for June 26, 2020 be adjourned sine die until after such time as plaintiff's pending motion to amend the Complaint is heard and decided by the Court.

Thank you for your consideration of this request.

Respectfully submitted,

/s/ Leo T. Ernst

Leo T. Ernst
Assistant Corporation Counsel

cc: Ballon Stoll Bader & Nadler, P.C.
(By ECF)